761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 23, 2009

OFFICE CORRESPONDENCE

FILE NO. SH2233527

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY GONZALO GALVEZ #[redacted]
LENNOX STATION

Deputy Galvez shot Subject [redacted] after he fired a revolver at him.

Deputies Gonzalo Galvez and Diana Funes were working in the Athens area on the PM shift. They were stopped in an alleyway, which runs parallel to Normandie Avenue at 94th Place. Their attention was drawn to the sound of tires screeching southeast of their location on Normandie.

Seconds later, they saw two males running northbound in the traffic lanes of Normandie Avenue. They watched as Subject [redacted] and [redacted] ran west on 94th Place toward them.

The deputies detained both males. Deputy Funes made contact with one of the males and detained him in the backseat of the radio car.

The second male, prior to being searched, ran from the deputies while carrying what appeared to be a handgun. The male ran eastbound 94th Place to northbound Normandie Avenue and then westbound on 94th Street. The subject reentered the alley west of Normandie and ran northbound in the alley. The subject tried to flee through an alcove between two apartment complexes. The alcove was secured by a gate and the subject was not able to enter. The subject reemerged into the alley and fired a handgun at Deputy Galvez. Deputy Galvez, who was not struck, returned fire by firing two rounds at the subject. The subject was struck one time on the right leg and fell to the ground. He was taken into custody.

Subject [redacted] sustained a gunshot wound to the upper leg. He was transported to UCLA Harbor Medical Center where he underwent surgery.

No deputies were injured.

A loaded .357 revolver with one expended round and one 9mm casing were recovered at the scene.

Both males were determined to be "Eight Trey Gangster Crip" street gang members. The second male, [redacted] was arrested for outstanding warrants.

On November 19, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Gonzalo Galvez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Gonzalo Galvez #[redacted] in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

TABLE OF CONTENTS
SH2233527

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11-23-08	Bureau/Station/Facility: Lennox Station	Admin. Invest.? ☐ Hit? ☒

URN: 008-12386-0399-055	Date: 11/23/08 Time: 2046
City or Station: Lennox Station	Nature of Incident: Deputy Galvez and hispartner Deputy Funes became involved in a foot pursuit of the subject. The subject turned towards them and fired a handgun. Deputy Galvez immediately returned fire and struck the subject in the leg.
Location: [redacted] Normandy Avenue	

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: Alley

Lighting (*circle only one*):
Darkness (circled)
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear (circled)
Cloudy
Fog
Rain

Distance: 40 feet

Incident Type (*circle one or more*):
Accidental
Armed Person
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Other:

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol

Total # of Shots Fired by Deputy: 2
Total # of Shots Fired by Suspect: 1

Aero Unit? ☐ Canine Unit? ☐

Employee Witness

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Funes	Diana		EM PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Employee #	Last Name	First Name	M.I	(*circle one or more*)
				On Duty / Present during shooting / Witness to shooting / Involved in shooting
				On Duty / Present during shooting / Witness to shooting / Involved in shooting

Employee #	Last Name	First Name	M.I.

Employee #	Last Name	First Name	M.I.
[redacted]	Wegener	Kent	

PSTD Use Only
SH # ________

Officer Involved Shooting

URN: 008-12386-0399-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/23/08	2245		

Employee #	Last Name	First Name	M.I
[redacted]	Ramirez	Jack	
[redacted]	Maldonado	Albert	
[redacted]	Brickert	Scott	

Use of Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
SJ#1	E#1	FH					NN	NN
E#1	SJ#1	FH	BR	9	Y	Y	GS	LE

Officer Involved Shooting
Involved Employee Information

URN: 008-12386-0399-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Galvez	First Name: Gonzalo	M.I. -
Sex: M Race: H	Rank: Deputy	Unit Assignment: Lennox Station	Work Assignment (Unit #, Module, etc.): 31
ShiftTime (circle only one): EM (PM) Day	ShiftType (circle only one): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (circle only one): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 600	Weight: 190		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] / Prior Shootings? ☒	Number of Prior Shootings: 1 / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9 mm	# Shots: 2	Weapons Fired Brand: / Caliber: / # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: / Prior Shootings? ☐	Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: / Caliber: / # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (circle only one): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: / Prior Shootings? ☐	Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber:	# Shots:	Weapons Fired Brand: / Caliber: / # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 008-12386-0399-055

Suspect Information

S 1

Last Name [redacted]		First Name [redacted]	M.I. [redacted]
AKA Last Name		First Name	M.I.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #:
Age: [redacted] D.O.B. [redacted]	Height: 602 Weight: 160	FBI #	CII #
Booking # [redacted]	Primary Charge: 664/187 PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☐	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Lennox Station
DATE: November 23, 2008 (Sunday)
TIME: 2046 hours
LOCATION: [redacted] S. Normandie, Los Angeles (Alley to rear)
URN#: **009-12386-0399-055**
IAB#: **SH2233527**

NATURE OF
INCIDENT: Deputies Gonzalo Galvez and Diana Funes were patrolling in an alley just west of Normandie Avenue at 94th Place. Their attention was drawn to Normandie Avenue where they heard what sounded like a loud screeching noise. When they looked towards Normandie Avenue they saw two males running in the center of the street. The two males turned onto 94th Place and began running towards them. The deputies immediately exited their vehicles and detained the males. Deputy Funes made contact with one of the males and detained him in the backseat of the radio car. The second male, prior to being searched, ran from the deputies while carrying what appeared to be a handgun. The male ran east bound 94th Place to north bound Normandie Avenue and then west bound on 94th Street. The subject re-entered the alley west of Normandie and ran north bound in the alley. The subject attempted to flee through into a alcove located between two apartment complexes. The alcove was secured by a gate and the subject was not able to enter. The subject re-emerged into the alley and pointed and fired a handgun at Deputy Galvez. Deputy Galvez, who was not struck, returned fire by firing two rounds at the subject. The subject was struck one time on the right leg and fell to the ground.

The subject was handcuffed and detained for attempt murder on a peace officer. On 12-02-08, a criminal complaint against Subject [redacted] was filed at the Inglewood Branch of the Los Angeles County District Attorney's office (case #YA073625).

INVOLVED PERSONNEL:

Galvez, Gonzalo- Deputy, Employee #[redacted]
Lennox Station
Off-Duty
Field Operations Region II

EMPLOYEE'S WORK HISTORY:

Date of Employment: 09-23-99
Date Assigned to Lennox: [redacted]
Prior Shooting Incident(s): 05-01-06, 12-14-07
Prior Founded Force Incidents: [redacted]

INVOLVED SUBJECT:

[redacted] **MB/17**, DOB: [redacted]

Booking Charges: 664/187 P.C.

Involved Suspect Criminal History:
Subject Smith's criminal history [redacted]

INVOLVED DEPUTY WITNESSES:

Deputy Diana Funes # [redacted]
Lennox Station
Date of Hire: 05-04-05
[redacted]

NON-DEPARTMENT WITNESSES:

[redacted] was interviewed on 11-23-08 by Homicide Sergeants W. Marsh and T. Bernstein. A summary of their interview can be found in the Homicide casebook **(Exhibit A Page 24)**.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Gonzalo Galvez # [redacted] was interviewed on August 13th, 2009, by Sergeants Albert Maldonado and Carlos Flores of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Galvez said he and his partner Deputy Funes were patrolling northbound in the alley located just west of Normandie between 95th Street and 94th Place. As they reached the mouth of the alley at 94th Place they heard a loud screeching noise. They looked towards Normandie and saw a vehicle, traveling south bound, suddenly stop

and swerve in an apparent attempt to avoid colliding into something. Almost immediately they saw two males running north bound in the center of the street. The males turned west bound onto 94th Place and began to walk when they apparently saw their radio car stopped at the mouth of the alley. Believing the males were possibly involved in criminal activity, they exited their radio car and communicated with each other they would detain the males.

As the males walked towards them they appeared to be nervous, looking around and at each other. Deputy Funes made contact with one of the males who was walking slightly ahead of the other. Deputy Galvez said he made contact with the other male by ordering him to stop and to show him his hands. The male, who concealed his hands underneath his long shirt, was hesitant but complied and placed his hands against the side of a van he was standing next to. Deputy Galvez said he was not comfortable with how the second male concealed his hands underneath his shirt. He stood near the front of his radio car and watched the second male as he stood against the van. He simultaneously, utilizing his peripheral vision, watched Deputy Funes search the first suspect. When Deputy Funes completed her search, she handcuffed him and placed him in the backseat of the radio car. As soon as the radio car door closed, the second male ran east bound on 94th Place towards Normandie Avenue. As he crossed north bound 94th Place he removed what appeared to be a handgun from his waistband and continued running north bound onto Normandie Avenue. Deputy Galvez said he immediately yelled to his partner the male had a gun and chased the male on foot. He broadcasted his foot pursuit of a person with a gun via Sheriff's radio as he chased the male from a distance of approximately 20 feet, north bound on Normandie Avenue towards 94th Street. Deputy Galvez said he yelled at the male several times to stop, but he did not comply.

Deputy Galvez said when the male reached 94th Street, he turned west bound and then immediately north bound in the same alley (one city block north) where they originally detained the males. Once the male entered the alley, he attempted to enter a courtyard in an apartment complex on the east side of the alley. Deputy Galvez said he was familiar with the apartment complex and figured the male would attempt to cut through the courtyard and back onto Normandie Avenue. He maintained his position against a wall on the east side of the alley and was about to advise the assisting units and set-up a containment, when the male suddenly re-entered the alley. Deputy Galvez said the alley was lit by a patio light and he could see the left side of the male's body (facing west), then a sudden muzzle flash as he saw the male begin to face towards him. He heard the loud sound of a gunshot and felt what he described as a "fast ball" pass near the left side of his face. Deputy Galvez, believing he was just fired upon, said he already had his handgun drawn in his right hand and out of fear for his life, immediately fired two rounds from his department issued Beretta at the male.

I.A.B. Note: Deputy Galvez said he knew the background behind the male was a block wall and some elevated apartments. There were no pedestrians or people loitering in the area.

I.A.B. Note: Upon reviewing Deputy Galvez's Range Qualification Records (attached) it was apparent Deputy Galvez [redacted]

Deputy Galvez said after firing at the male, he saw him bend over and hit a wall on the north side of the courtyard and then fell to the ground. He said he knew the male was struck and maintained his position against the east wall of the alley while maintaining visual contact with the male. As he maintained this position he heard what sounded like two loud thumps. He said his position provided he and Deputy Funes, who was now directly behind him, an advantage as the male was not able to see them and would have to re-enter the alley if he were to re-engage them.

Deputy Galvez said he began to coordinate the assisting units via his radio. As the assisting units began to arrive, Deputy Funes went back to their radio car and parked it in the alley. She parked it north bound in the alley at a slight angle so they would be able to use it for cover and maintain their visual contact of the male. Deputy Galvez said he immediately requested the paramedics to respond to treat the suspect he (Galvez) believed was struck but not yet handcuffed. Deputy Galvez said he formulated a tactical which included forming an arrest team. The arrest team, utilizing a ballistic shield, approached and handcuffed the male. Once the male was handcuffed, the paramedics who were staged, responded and treated the male.

SUBJECT INTERVIEW:

The subject was not interviewed but did make a spontaneous statement to Deputy A. Cuevas while being transported to the hospital. Deputy Cuevas said Subject [redacted] admitted to accidently firing a handgun at the deputy and apologized for his actions. Deputy Cuevas' supplemental report regarding Subject [redacted] statement is attached to this case **(Exhibit A Page 13).**

DEPARTMENT WITNESS STATEMENTS:

Deputy Diana Funes #[redacted] was interviewed on August 13th, 2009, by Sergeant's Albert Maldonado and Carlos Flores of the Internal Affairs Bureau. The interview took place at the Internal Affairs Bureau office and was digitally recorded.

Deputy Funes said she and her partner (Deputy Galvez) were patrolling in the alley (north bound) just west of Normandie Avenue at 94th Place. She was in the passenger seat while Deputy Galvez was the driver. As they reached the alley entrance at 94th Place they heard a loud screeching noise coming from Normandie Avenue. They

looked over to Normandie Avenue and saw two males running north bound in the center of the street and a vehicle apparently attempting to avoid colliding into them. The males turned west bound onto 94th Place and continued to run towards them. She and Deputy Galvez, believing they may have been involved in criminal activity, exited their vehicle to detain them. She said as soon as the males saw them exit the vehicle they began to walk. They ordered them to the vehicle. Deputy Funes said she made contact with the male closest to her while Deputy Galvez made contact with the second male.

Deputy Funes said as she made contact with the first male she began to walk him over towards their radio car. She began to conduct a pat-down search when she noticed he started to become nervous. She asked him to place his hands behind his back and interlock his fingers. He complied but began to separate his hands as she is searching him. She immediately handcuffed him and completed her pat-down search. She placed the male in the backseat of the radio car and turned to face her partner. As she turned she noticed the second male was standing near a van with his hands against the van. Suddenly, the male reached for his waistband and began running eastbound on 94th Place towards Normandie Avenue. She said Deputy Galvez immediately ran after him and advised her the male was carrying a firearm. She followed closely behind at a distance of approximately 10-15 feet. She said she saw the suspect run north bound on Normandie Avenue to west bound 94th Street. She momentarily lost sight of the male and Deputy Galvez when they ran north bound in the alley west of Normandie Avenue and north of 94th Street. Immediately after she saw Deputy Galvez enter the alley she heard a single gunshot followed by two immediate gunshots. She entered the alley and stood directly behind Deputy Galvez. Although she could see the male on the ground, Deputy Galvez instructed her to stay back while they awaited the arrival of assisting units. As the units first arrived she went back to their vehicle on 94th Place and brought it to their location. She parked the car at an angle so they may utilize it for cover while they formulated a tactical plan to approach and handcuff the male.

Deputy Funes said Deputy Galvez formed an arrest and utilized a ballistic shield to approach the subject who was still on the ground. They were able to handcuff the subject without further incident.

I.A.B. Note: Deputy Funes was in her first month [redacted] when this incident occurred. Her [redacted] was Deputy Galvez.

NON-DEPARTMENT WITNESS STATEMENTS:

None

SUSPECT'S INJURIES:

Single gunshot wound to the subject's right thigh.

DEPUTY PERSONNEL:

None

PHYSICAL EVIDENCE:

(1) Cartridge Cases, Subject [redacted] handgun (Ruger Blackhawk, 357 caliber), Deputy Galvez's Duty Weapon (9mm Beretta).

INVESTIGATORS OBSERVATIONS:

No observations.

WEAPONS USED BY DEPUTY PERSONNEL:

Department issued 9mm Beretta Handgun.

WEAPONS USED BY SUSPECTS:

Ruger Blackhawk, .357 caliber

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Charges Filed:

On 12-02-08, a criminal complaint against Subject [redacted] was filed at the Inglewood Branch of the Los Angeles County Distict Attorney's office (case #YA073625).

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident during the hours of darkness and the location was illuminated by street and property lights.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

March 30, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 08-0739
L.A.S.D. File No. # 008-12386-0399-055

Dear Captain Smith

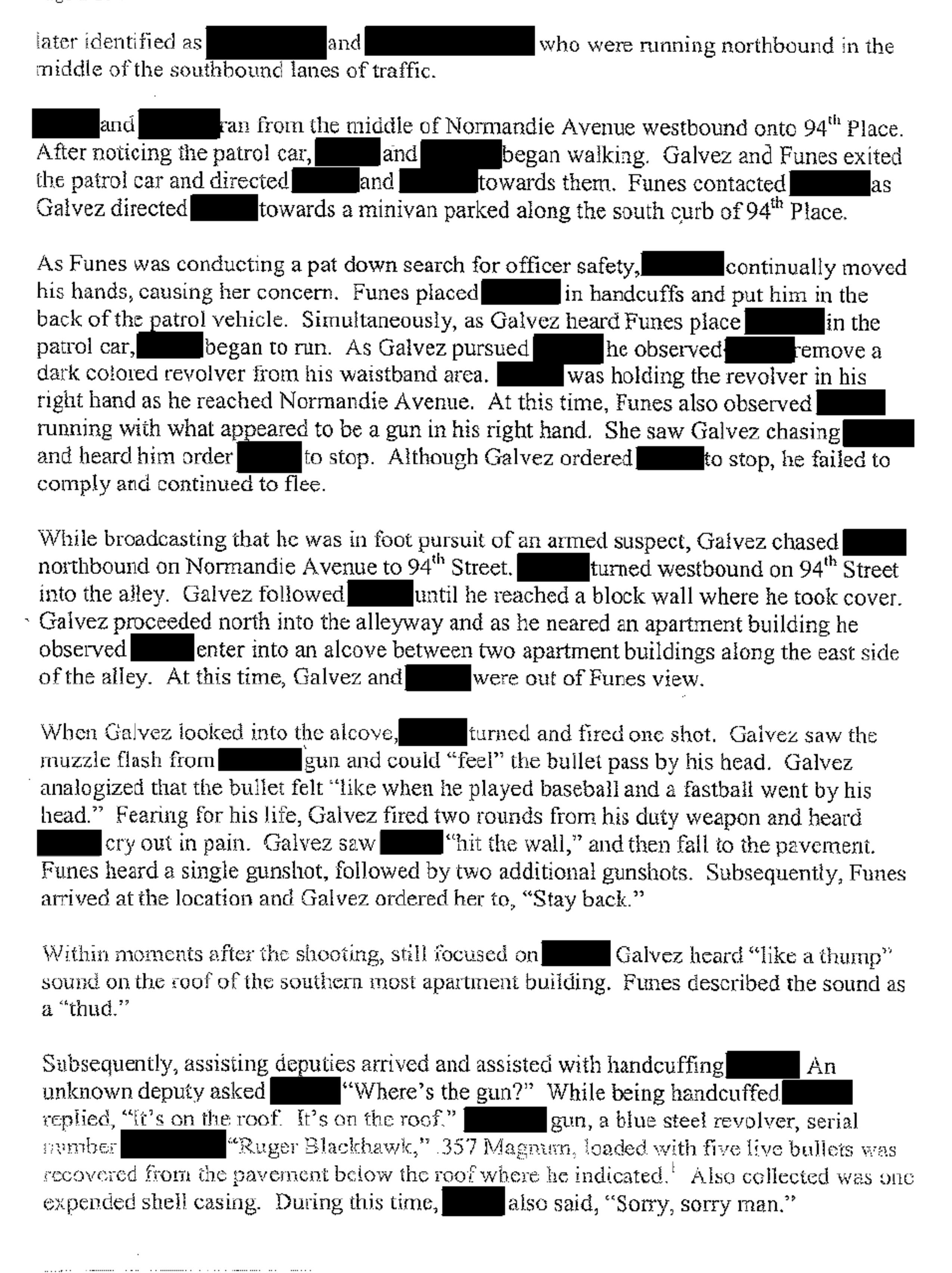
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 23, 2008, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Deputy Gonzalo Galvez. We have concluded that Deputy Galvez acted lawfully in self-defense.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements taken during the investigation by the Los Angeles County Sheriff's Department (LASD), and submitted to this office by Sergeant Bill Marsh on March 5, 2009. The District Attorney Command Center was notified of the shooting at approximately 9:48 p.m. on November 23, 2008. The District Attorney Response Team, comprised of Deputy District Attorney Corene Locke-Noble and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

On November 23, 2008, Los Angeles County Sheriff Deputies Gonzalo Galvez and Diana Funes, were patrolling the area of Vermont Avenue. Galvez was driving northbound in the alley at 94th Place west of Normandie Avenue when he heard the sound of screeching tires immediately east of his location. Galvez looked to his right a saw a vehicle in the southbound lanes of Normandie Avenue swerve to avoid hitting two males,

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later identified as [redacted] and [redacted] who were running northbound in the middle of the southbound lanes of traffic.

[redacted] and [redacted] ran from the middle of Normandie Avenue westbound onto 94th Place. After noticing the patrol car, [redacted] and [redacted] began walking. Galvez and Funes exited the patrol car and directed [redacted] and [redacted] towards them. Funes contacted [redacted] as Galvez directed [redacted] towards a minivan parked along the south curb of 94th Place.

As Funes was conducting a pat down search for officer safety, [redacted] continually moved his hands, causing her concern. Funes placed [redacted] in handcuffs and put him in the back of the patrol vehicle. Simultaneously, as Galvez heard Funes place [redacted] in the patrol car, [redacted] began to run. As Galvez pursued [redacted] he observed [redacted] remove a dark colored revolver from his waistband area. [redacted] was holding the revolver in his right hand as he reached Normandie Avenue. At this time, Funes also observed [redacted] running with what appeared to be a gun in his right hand. She saw Galvez chasing [redacted] and heard him order [redacted] to stop. Although Galvez ordered [redacted] to stop, he failed to comply and continued to flee.

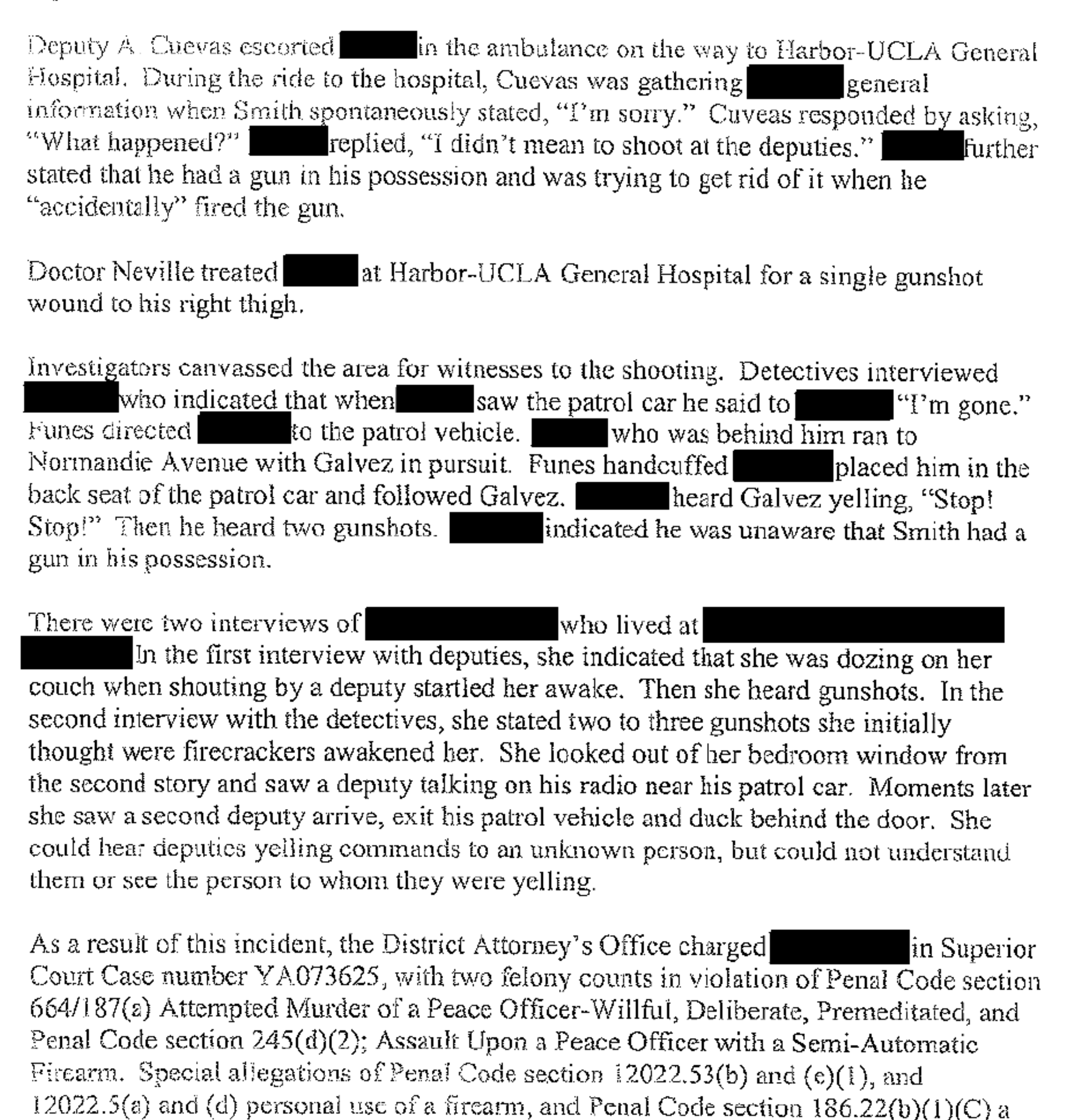
While broadcasting that he was in foot pursuit of an armed suspect, Galvez chased [redacted] northbound on Normandie Avenue to 94th Street. [redacted] turned westbound on 94th Street into the alley. Galvez followed [redacted] until he reached a block wall where he took cover. Galvez proceeded north into the alleyway and as he neared an apartment building he observed [redacted] enter into an alcove between two apartment buildings along the east side of the alley. At this time, Galvez and [redacted] were out of Funes view.

When Galvez looked into the alcove, [redacted] turned and fired one shot. Galvez saw the muzzle flash from [redacted] gun and could "feel" the bullet pass by his head. Galvez analogized that the bullet felt "like when he played baseball and a fastball went by his head." Fearing for his life, Galvez fired two rounds from his duty weapon and heard [redacted] cry out in pain. Galvez saw [redacted] "hit the wall," and then fall to the pavement. Funes heard a single gunshot, followed by two additional gunshots. Subsequently, Funes arrived at the location and Galvez ordered her to, "Stay back."

Within moments after the shooting, still focused on [redacted] Galvez heard "like a thump" sound on the roof of the southern most apartment building. Funes described the sound as a "thud."

Subsequently, assisting deputies arrived and assisted with handcuffing [redacted] An unknown deputy asked [redacted] "Where's the gun?" While being handcuffed [redacted] replied, "It's on the roof. It's on the roof." [redacted] gun, a blue steel revolver, serial number [redacted] "Ruger Blackhawk," .357 Magnum, loaded with five live bullets was recovered from the pavement below the roof where he indicated.[1] Also collected was one expended shell casing. During this time, [redacted] also said, "Sorry, sorry man."

[1] The weapon was reported stolen from San Bernardino on June 11, 1992.



Deputy A. Cuevas escorted [redacted] in the ambulance on the way to Harbor-UCLA General Hospital. During the ride to the hospital, Cuevas was gathering [redacted] general information when Smith spontaneously stated, "I'm sorry." Cuveas responded by asking, "What happened?" [redacted] replied, "I didn't mean to shoot at the deputies." [redacted] further stated that he had a gun in his possession and was trying to get rid of it when he "accidentally" fired the gun.

Doctor Neville treated [redacted] at Harbor-UCLA General Hospital for a single gunshot wound to his right thigh.

Investigators canvassed the area for witnesses to the shooting. Detectives interviewed [redacted] who indicated that when [redacted] saw the patrol car he said to [redacted] "I'm gone." Funes directed [redacted] to the patrol vehicle. [redacted] who was behind him ran to Normandie Avenue with Galvez in pursuit. Funes handcuffed [redacted] placed him in the back seat of the patrol car and followed Galvez. [redacted] heard Galvez yelling, "Stop! Stop!" Then he heard two gunshots. [redacted] indicated he was unaware that Smith had a gun in his possession.

There were two interviews of [redacted] who lived at [redacted] In the first interview with deputies, she indicated that she was dozing on her couch when shouting by a deputy startled her awake. Then she heard gunshots. In the second interview with the detectives, she stated two to three gunshots she initially thought were firecrackers awakened her. She looked out of her bedroom window from the second story and saw a deputy talking on his radio near his patrol car. Moments later she saw a second deputy arrive, exit his patrol vehicle and duck behind the door. She could hear deputies yelling commands to an unknown person, but could not understand them or see the person to whom they were yelling.

As a result of this incident, the District Attorney's Office charged [redacted] in Superior Court Case number YA073625, with two felony counts in violation of Penal Code section 664/187(a) Attempted Murder of a Peace Officer-Willful, Deliberate, Premeditated, and Penal Code section 245(d)(2); Assault Upon a Peace Officer with a Semi-Automatic Firearm. Special allegations of Penal Code section 12022.53(b) and (c)(1), and 12022.5(a) and (d) personal use of a firearm, and Penal Code section 186.22(b)(1)(C) a gang allegation were alleged. The matter is currently set for preliminary hearing setting in Department 5 of the Superior Court in Inglewood on April 13, 2009.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar

circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 189 Cal. App.3d 575.

CONCLUSION

The evidence examined in this investigation shows that [redacted] while attempting to flee, fired one round at Deputy Galvez. Fearing for his life, Galvez returned fire, striking Smith in the leg and ultimately ending a potentially lethal situation.

Given the rapidly evolving, life-threatening situation that confronted Deputy Galvez, we conclude he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

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c: Deputy Gonzalo Galvez #[redacted]